

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94845

Junho CHUNG, et al.

Appln. No.: 10/578,836

Group Art Unit: 1609

Confirmation No.: 2218

Examiner: Sharon X Wen

Filed: May 10, 2006

For: NEUTRALIZABLE EPITOPE OF HGF AND NEUTRALIZING ANTIBODY BINDING
TO THE SAME

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirement dated January 29, 2007. In response to the Restriction Requirement, Applicant elects Group III, claims 5-8 for examination. This election is made with traverse.

This responds to the Election of Species Requirement dated January 29, 2007. The Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required the Applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. Applicants have been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

Response to Restriction Requirement and
Election of Species
USSN 10/578,836

In response to the Examiner's requirement, Applicant elects VH and VL regions having amino acid sequences of SEQ ID NOs: 29 and 30 recited in claim 8 for examination on which claims 5, 6 and 8 are readable.

Applicants traverse the Restriction Requirement for the following reasons.

The Restriction Requirement asserts that the inventions listed as Groups I-IV and the species listed in the Requirement lack the same or corresponding special technical features because the feature uniting the inventions is neutralizing antibody which binds to a neutralizable epitope of HGF for preventing and treating diseases and this feature lacks novelty by Cao *et al.*, PNAS June 2001, Vol. 98(13):7443-8 ("Cao"). Applicants respectfully disagree.

The uniting technical feature of the subject application recited in claims 1 to 10 (Group I-IV) is a neutralizing antibody which can neutralize HGF as a single agent and inhibit cell scattering activity by binding to the unique neutralizable epitope of claim 1.

In contrast, Cao teaches the making of neutralizing monoclonal antibodies to HGF (see page 7443, col. 2, paragraph 3) and administering the neutralizing monoclonal antibodies to mice for treating tumor (see page 7446, col. 1, paragraph 1). In particular, it discloses that three or more of the epitopes, possibly two for the Met receptor and one for heparin, need to be blocked in order to inhibit HGF activity *in vivo* and *in vitro*, and a mixture of at least 3 monoclonal antibodies is capable of neutralizing HGF in an *in vitro* experiment (see page 7447, col. 1, paragraph 2). Further, it discloses that no single HGF monoclonal antibody was capable of neutralizing the *in vitro* activity of HGF/SF (see Abstract, lines 10-11; and Result, line 9), and

Response to Restriction Requirement and
Election of Species
USSN 10/578,836

indicate the possibility that a single monoclonal antibody with neutralizing activity may be discovered (see page 7447, col. 1, lines 13-15), which confirmed in the subject application.

In conclusion, the single neutralizing antibody of the present invention can neutralize HGF, while Cao needs a mixture of at least 3 neutralizing monoclonal antibodies in order to neutralize HGF.

As discussed above, the uniting technical feature of Group I to IV recited in claim 1-10 of the subject application is different from that of the prior art and contributes over the prior art.

Accordingly, the Applicants submit that Groups I to IV form a single general inventive concept and should be examined altogether.

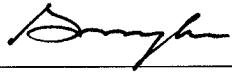
Applicants submit that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicants reserve the right to file a Divisional Application directed to non-elected claims 1-4 and 9-10.

Response to Restriction Requirement and
Election of Species
USSN 10/578,836

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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